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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: Christian WENGERTER, et al. Art Unit: 2637

Application No.: 10/501,906

Filed: July 20, 2004

For: CONSTELLATION REARRANGEMENT FOR ARQ TRANSMIT
DIVERSITY SCHEMES

CERTIFICATION UNDER 37 CFR §1.97(e)(1)

Assistant Commissioner of Patents
Washington, DC 20231

Dear Sir:

In fulfillment of 37 CFR 1.97(c)(1) and 1.97(e)(1), it is hereby certified that each item of information contained in the attached Information Disclosure Statement was first cited in any communication (see the attached copy of a Foreign Search Report dated November 25, 2005) from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Respectfully submitted,

James E. Ledbetter
Registration No. 28,732

Date: February 6, 2006

JEL/jpf

ATTORNEY DOCKET NO. L7725.04106
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INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner of Patents
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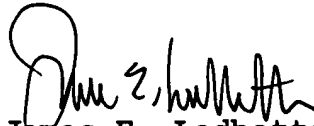
Dear Sir:

Pursuant to Rules 56 and 99, Applicants hereby call the attention of the Patent Office to the documents listed on the attached Form PTO 1449. Attached is an European Office Action dated November 25, 2005. The Wengertter, et al. reference cited therein was filed in the Information Disclosure Statement of July 20, 2004.

Applicants present this art so that the Patent Office may, in the first instance, determine any relevancy thereof to the presently claimed invention, see Beckman Instruments, Inc. v. Chemtronics, Inc., 439 F.2d 1369, 1380, 165 USPQ 355, 364 (5th Cir. 1970). Also see Patent Office Rules 104 and 106. Applicants respectfully request that this art be expressly considered during the prosecution of this application and made of record herein and

appear among the "References Cited" on any patent to issue herefrom.

Respectfully submitted,



James E. Ledbetter
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Date: February 6, 2006

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FORM PTO-1449 U.S. Department of Commerce
(Rev. 4/92) Patent and Trademark Office

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

ATTY. DOCKET NO.

L7725.04106

SERIAL NO.

10/501,906

APPLICANT

Christian WENGERTER, et al.

FILING DATE

July 20, 2004

GROUP

2637

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER								DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER								DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
														YES	NO
		0	7	3	5	7	0	1	10/1996	EP					

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

		European Office Action dated November 25, 2005

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation is considered, draw line through citation if not in conformance and not considered.
Include copy of this form with next communication to applicant.